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October 28, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Ex Parte

Re: GN Docket No. 93-252

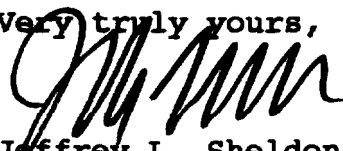
Dear Mr. Caton:

Pursuant to Section 1.1206(a) of the Commission's Rules, this is to notify you that representatives of the Utilities Telecommunications Council (UTC) met today with the staff of Chairman Quello's office to discuss the Commission's proposals in GN Docket No. 93-252 to change the regulatory treatment of mobile services as a result of provisions of the Budget Reconciliation Act of 1993. Specifically, UTC discussed Commissioner Duggan's recommendation in this docket that a Mobile Service Bureau be established within the Commission. UTC presented its suggestions for the creation of a Wireless Services Bureau, as described in the attached copy of UTC's written presentation to Chairman Quello's office.

An original and one copy of this notification are being submitted for filing in the above-referenced docket.

Should any questions arise concerning this matter, please communicate directly with undersigned counsel.

Very truly yours,


Jeffrey L. Sheldon
General Counsel

Attachments

cc: Brian F. Fontes, FCC

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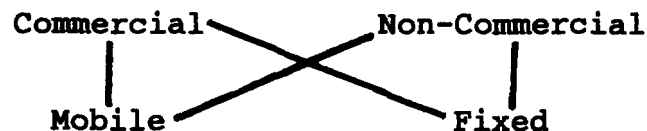
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**SUGGESTED REORGANIZATION OF BUREAU FUNCTIONS
TO ACCOMMODATE THE "REGULATORY PARITY" PROVISIONS
OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993**

In response to Commissioner Ervin Duggan's suggestion that the Commission consider the creation of a "Mobile Services Bureau," UTC presents its suggestions for FCC reorganization to accommodate the "regulatory parity" provisions of the Omnibus Budget Reconciliation Act of 1993 and to streamline FCC policy, licensing and enforcement activities in a manner consistent with Vice President Albert Gore's call to "reinvent government."

While the FCC's recently adopted Notice of Proposed Rulemaking, GN Docket No. 93-252, to adopt regulations implementing regulatory parity does not specifically propose a reorganization, UTC believes such reorganization will be necessary to effectively carry out the new legislation.

Under the Budget Act, the FCC will be required to distinguish between "commercial mobile service providers" and other mobile radio service users. In addition, the Budget Act implicitly endorses the FCC's existing practice of distinguishing "mobile" radio services from "fixed" radio services. UTC has therefore attempted to develop an organizational structure that will balance these four criteria:



UTC recommends conversion of the Private Radio Bureau into a new "Wireless Services Bureau" that would be charged with greater responsibility for developing policy for most non-broadcast radio services. The Divisions within the Bureau would be as follows:

- a. Commercial Services Division -- to establish policies and rules on all "commercial" radio services, both fixed and mobile.

- b. Safety/Industrial Services Division -- to establish policies and rules on all "traditional" or "non-commercial" radio services, both fixed and mobile (including special radio services such as marine, aviation and amateur radio services).
- c. Licensing Division -- to perform the licensing function for all fixed and mobile radio services and to provide administrative support to the Bureau.
- d. Enforcement Division -- to provide enforcement of all fixed and mobile radio services, with the exception of tariffing or other "Title II" issues, which would be handled by the Common Carrier Bureau.

Under the proposed structure, "commercial services" and "safety/industrial" services would each have equal representation in the Bureau. With respect to the fixed/mobile dichotomy, it is UTC's opinion that this distinction is only relevant from a licensing standpoint and that there is no need to have separate offices within the Bureau for the development of policy or rules on fixed or mobile services. Therefore, the proposed table of organization only provides for separate "Fixed" and "Mobile" Branches within the Licensing Division.

The new Bureau would be headed by a Chief, assisted by a Deputy Chief for Policy and Planning and an Assistant Bureau Chief for Management. For example, UTC envisions that the Deputy Chief for Policy and Planning would be responsible for balancing the competing demands of the "Commercial" and "Safety/Industrial Services" Divisions for spectrum allocations.

Although the Wireless Services Bureau would be primarily responsible for developing rules and policies for most non-broadcast radio services, certain related matters would remain vested in the Common Carrier Bureau. For example, review of tariffs, if any, filed by "commercial mobile service providers" or common carrier microwave operators, would be performed in the Common Carrier Bureau. Likewise, complaints brought under Section 208 would be resolved in the Common Carrier Bureau. This division of responsibility could also be beneficial if and when the issue of competition between landline and mobile services comes to the forefront.

**REORGANIZATION OF PORTIONS OF THE FCC'S COMMON CARRIER BUREAU AND PRIVATE RADIO BUREAU
INTO WIRELESS SERVICES BUREAU**

CURRENT FCC TABLE OF ORGANIZATION^{1/}

COMMON CARRIER BUREAU

Enforcement Division
Domestic Facilities Division
 Domestic Radio Branch
 Domestic Services Branch
 Satellite Radio Branch
Tariff Division
Mobile Services Division
 Legal Branch
 Public Mobile Radio Branch
 Cellular Radio Branch
 Public Reference/Information Branch
Accounting and Audits Division
Industry Analysis Division
Policy/Program Planning Division
Asst. Bureau Chief/International
International Facilities Division
International Policy Division

PRIVATE RADIO BUREAU

Land Mobile and Microwave Division
 Rules Branch
 Compliance Branch
 Policy and Planning Branch
Licensing Division
 Land Mobile Branch
 Special Services Branch
 Microwave Branch
 Data Services Branch
 Support Services Branch
 Consumer Assistance Branch
 Fee and Mail Branch
Special Services Division
 Personal Radio Branch
 Aviation and Marine Branch
 International Staff

PROPOSED FCC TABLE OF ORGANIZATION

COMMON CARRIER BUREAU

Enforcement Division
Domestic Facilities Division
 Domestic Services Branch
Tariff Division
Accounting and Audits Division
Industry Analysis Division
Policy/Program Planning Division
Asst. Bureau Chief/International
International Facilities Division
International Policy Division

WIRELESS SERVICES BUREAU

Chief^{2/}
Deputy Chief Policy and Planning
Assistant Bureau Chief for Management
Commercial Services Division^{3/}
 Legal Branch
 Engineering Branch
 Policy and Planning Branch
Safety/Industrial Services Division
 Legal Branch
 Engineering Branch
 Policy and Planning Branch
 Personal Radio Branch
 Aviation and Marine Branch
Licensing Division
 Fixed Services Branch
 Mobile Services Branch
 Special Services Branch
 Data Services Branch
 Support Services Branch
 Consumer Assistance Branch
 Fee and Mail Branch
Enforcement Division

^{1/} The table is abridged to highlight only those bureaus/divisions that would be impacted by the proposed reorganization. All other bureaus and divisions would remain as they currently exist.

^{2/} The International staff would be an office within the Office of Bureau Chief.

^{3/} Tariff filings, if any, required of Commercial Service Providers would continue to be filed with the Tariff Division of the Common Carrier Bureau.